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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/734,862	O'CONNOR ET AL.
	Examiner	Art Unit
	JAMES A. VEZERIS	4172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 December 2007</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-14</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-14</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

Detailed Action

Restriction Response

1.   Applicant's election with traverse of Group I, in the reply filed on 12/15/07 is

acknowledged. The traversal is on the ground(s) that claims 28-34 also teach a method

for event based trading, and therefore should be joined with Group I. This is not found

persuasive because Group I describes a method in which there is defined a first trading

strategy; dealing with comparing an estimated event value to an actual event value.

Claims 28-34 deal with displaying icons in relation to an axis, as well as providing

indication that a trading rule has been triggered. Since this is a separate method than

Group I, claims 28-34 will not be joined into Group I, as undue burden would be placed

on the examiner to search for two separate inventions.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections- 35 U.S.C. 102(e)

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3.   Claim 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US PG-

Pub 2003/0126069 to Cha (Hereinafter "Cha").

Regarding Claim 1:

Cha teaches a method for event-based trading, the method comprising:

defining a first trading strategy comprising a plurality of trading rules to be applied

based on a comparison of at least one estimated event value to at least one actual

event value to be announced at some later time;

receiving the at least one actual event value;

selecting at least one of the plurality of trading rules corresponding to the first

trading strategy based on a comparison of the at least one actual event value compared

to the at least one estimated event value; and

executing the at least one selected trading rule.

In Figure 5 it is shown that a trading strategy is set up, the purchase and selling

conditions, these are based on the estimated event value- the price the user believes

the stock is worth. A price for a stock, the actual event value, is then sent into the

system from an exchange. The actual event is compared to the estimated event and if

conditions are correct the order goes through. (See paragraphs 79-85, fig. 4)

Regarding Claim 2:

Cha further teaches a computer readable medium having stored therein

instructions to execute the method of claim 1. (See paragraph 2)

Regarding Claim 3:

Cha further teaches the at least one estimated event value comprises at least

one estimated news-related event indicator value, and wherein the at least one actual

event value comprises at least one news- related indicator value.

Cha teaches the estimated news-related event indicator value is the

purchase and selling prices the user enters. The actual price the commodity is selling

for is the actual event value comprised of a news-related indicator value. (See

paragraphs 79-85)

Regarding Claim 4:

Cha further teaches the at least one actual event value is received directly from a

news source. (See paragraph 2 the stock market exchange is a news source)

Regarding Claim 5:

Cha further teaches displaying the at least one estimated event value in a first

graphical format on a graphical user interface. (fig. 6)

Regarding Claim 6:

Cha further teaches upon receiving the at least one actual event value,

displaying the at least one actual event value in a second graphical format on the

graphical user interface.

Cha teaches hitting the referral button described in fig. 4 to load the actual event

value into the graphical user interface.

Regarding Claim 7:

Cha further teaches the at least one actual event value is input by a user via the

graphical user interface.

Cha allows a user to enter an initial condition as shown in fig.4. This value can be

the actual event value as described in claim 6.

Regarding Claim 8:

Cha further teaches displaying the plurality of trading rules corresponding to the first trading strategy defined in relation to the estimated and actual event values being displayed via the graphical user interface. (See fig. 4)

Regarding Claim 9:

Cha further teaches the estimated and actual event values are displayed using different indicators. (The estimated values and actual values are entered in different areas of the gui as shown in fig 4 and explained in paragraphs 79-85)

Regarding Claim 10:

Cha further teaches defining a second trading strategy comprising a plurality of trading rules to be applied based on a comparison of at least one actual event value to at least one revised event value to be announced at some later time;

receiving the at least one revised event value;

selecting at least one of the plurality of trading rules based on a comparison of the at least one revised event value compared to the at least one actual event value;

executing the at least one selected trading rule corresponding to the second trading strategy.

In Figure 5 it is shown that a trading strategy is set up, the purchase and selling conditions, these are based on the estimated event value- the price the user believes the stock is worth. A price for a stock, the actual event value, is then sent into the system from an exchange. The actual event is compared to the estimated event and if conditions are correct the order goes through. This process is continuous. Figure 4 shows the strategies being set up. (See paragraphs 79-85, fig. 4)

Regarding Claim 11:

Cha further teaches displaying the at least one revised event value in a third

graphical format on the graphical user interface. (See fig.4)

Regarding Claim 12:

Cha further teaches the at least one revised event value comprises at least one

revised news-related event value.

Cha teaches the estimated news-related event indicator value is the purchase

and selling prices the user enters. The actual price the commodity is selling for is the

actual event value comprised of a news-related indicator value. (See paragraphs 79-

85)

Claim Rejections- 35 U.S.C. 103(a)

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Cha in view of official notice.

Regarding Claim 14:

Cha fails to further teach once the at least one actual value is received,

displaying a time since the release of the at least one actual event value. However it

was well know in the art, at the time the applicant submitted the application to store

when a stock price was updated. Multiple systems, such as ameritrade and etrade all

had this feature. It is obvious to combine this feature with Cha because it keeps the user

of the system informed about how old the data they are using is. This allows for more

informed trades.

Regarding Claim 13:

Cha fails to teach displaying a time left before a release of the at least one actual

event value. However it was well know in the art, at the time the applicant submitted the

application to automatically update websites on a set schedule.

It would be a simple non-trivial computer code change to cause Cha system to

automatically update every "x" seconds or minutes; and to display the counter. It is

obvious to combine this feature with Cha because it keeps the user of the system

informed about how old the data they are using is. This allows for more informed trades.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JAMES A. VEZERIS whose telephone number is

(571)270-1580. The examiner can normally be reached on Monday-alt. Fridays

7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/THOMAS A DIXON/   /JAMES A VEZERIS/
Supervisory Patent Examiner, Art Unit 4172   Examiner, Art Unit 4172

January 2, 2008